IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.504 OF 2004

IN

SUMM.SUIT NO.1163 OF 2004

Rainbow Prints P.Ltd .. Plaintiff

versus

Kerala Roadways Limited .. Defendant

...

Mr.Sanjeev Ahuja for Plaintiff.

Mr. O.A.Das for Defendant.

CORAM : D.G. KARNIK, J

DATED : 23rd March 2005.

P.C:-

1. Heard learned counsel for the parties. Defence raised by the defendant that notice under section 10 of the Carriers Act has not been issued prior to the institution of the suit raises a triable issue. The defences raised by the defendant cannot be said to be illusory or sham. Hence, the defendant is granted unconditional leave to defend the suit. Suit shall

stand transferred to the list of commercial causes. The defendant to file written statement within four weeks.

D.G.KARNIK, J